

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ROSARIO MARINELLO,

Plaintiff(s),
(Petitioner)

V.

CALIFORNIA DEPARTMENT OF
CORRECTIONS & REHABILITATION,Defendant(s),
(Respondent)

Case No. C-08-0664-EDL

ORDER RE APPLICATION
TO PROCEED
IN FORMA PAUPERIS

FILED

FEB 26 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IT IS ORDERED that the application to proceed in forma pauperis is *GRANTED* and that the Clerk issue summons.

IT IS FURTHER ORDERED that the U.S. Marshal for the Northern District of California serve, without prepayment of fees, a copy of the complaint, any amendments, scheduling orders, attachments, plaintiff's affidavit and this order upon the defendant.

IT IS ORDERED that the application to proceed in forma pauperis is *DENIED*, and that the filing fee of \$350.00 be paid no later than _____. Failure to pay the filing fee by that date will result in dismissal of the above-entitled action without prejudice. The plaintiff is hereby apprised of his/her responsibility to serve the complaint and any amendments, scheduling orders, attachments, pursuant to Rule 4, Federal Rules of Civil Procedure. Plaintiff has a continuing obligation to keep the Court informed of his or her current address. Failure to do so may result in dismissal of this action.

IT IS ORDERED that the application to proceed in forma pauperis is *DENIED* and that plaintiff is further ordered to make partial payment of the filing fee in the amount of \$ _____ by _____. Failure to pay this amount will result in dismissal of the above-entitled action without prejudice. The plaintiff is hereby apprised of his/her responsibility to serve the complaint and any amendments, scheduling orders, attachments, pursuant to Rule 4, Federal Rules of Civil Procedure. Plaintiff has a continuing obligation to keep the Court informed of his or her current address. Failure to do so may result in dismissal of this action.

Dated: Feb 26, 2008


UNITED STATES MAGISTRATE JUDGE

(Not to be used in HABEAS CORPUS cases)

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ROSARIO MARINELLO,

Plaintiff,

v.

CA DEPARTMENT OF CORRECTIONS
AND REHABILITATION et al,

Defendant.

Case Number: CV08-00664 EDL

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 26, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Rosario Marinello
324 Hawthorne
Salinas, CA 93901

Dated: February 26, 2008

Richard W. Wiking, Clerk
By: Lili M. Harrell, Deputy Clerk